

STATE OF INDIANA)
)
COUNTY OF LA PORTE)

IN THE LA PORTE SUPERIOR COURT
SS:
CAUSE NO. 46D01-0607-PL-113

STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
AMY CLAXTON and)
DAVID CLAXTON,)
individually and doing business as)
VELVET RAVEN SALES,)
)
 Defendants.)

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendants, Amy Claxton and David Claxton, individually and doing business as Velvet Raven Sales.
2. The Defendants were served with notice of these proceedings and a copy of the Plaintiff's Complaint for Injunction, Restitution, Costs, and Civil Penalties.
3. The Defendants have failed to appear, plead, or otherwise respond to the complaint.
4. The Defendants, Amy Claxton and David Claxton, are not known to be infants, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, Amy Claxton and David Claxton.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, Amy Claxton and David Claxton, their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have;
- b. representing, expressly or by implication, the subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the Defendants know or reasonably should know it is not;
- c. representing, expressly or by implication, the subject of a consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and the Defendants know or reasonably should know the representation is false;
- d. representing, expressly or by implication, the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot; and

- e. representing expressly or by implication the consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendants, when the Defendants do not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendants, Amy Claxton and David Claxton, as follows:

- a. The contracts previously entered into by the Defendants with consumers, Colin Wu, Harold G. Woods, Stephen Sears, and Richard Foltz, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d);
- b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Forty-One Thousand Nine Hundred and Ninety-Two Dollars (\$41,992.00), payable to the Office of the Attorney General, for allocation and distribution to the following consumers in the following amounts:

1.	Colin Wu of St. Louis, Missouri	\$ 9,800.00;
2.	Harold G. Woods of Newport Beach, California	\$ 5,167.00;
3.	Stephen Sears of Ponte Verde Beach, Florida	\$12,025.00; and
4.	Richard Foltz of Fort Lauderdale, Florida	<u>\$15,000.00.</u>
TOTAL:		\$41,992.00

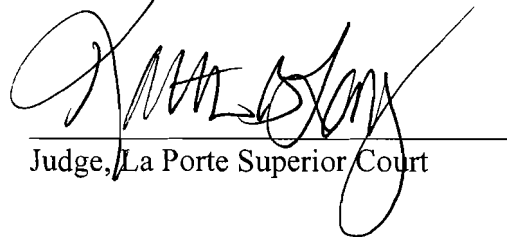
- c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Seven Hundred Fifty-Two Dollars and Ten Cents (\$752.10).

- d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Five Thousand Dollars (\$25,000.00), payable to the State of Indiana.
- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Two Thousand Five Dollars (\$2,500.00), payable to the State of Indiana.

A total monetary judgment in the amount of Seventy Thousand Two Hundred Forty-Four Dollars and Ten Cents (\$70,244.10) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendants, Amy Claxton and David Claxton, individually and doing business as Velvet Raven Sales.

ALL ORDERED, ADJUDGED AND DECREED on this 28 day of

November, 2006.



Judge, La Porte Superior Court

DISTRIBUTION:

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